

REMARKS

Claims 1-25 are pending in the application. Claims 1, 10, and 17 are independent. No claims have been amended, added, or canceled.

Rejection of Claims 1-25 Under 35 U.S.C. §103(a)

In paragraph 2 of the Office Action, the Examiner rejected claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,016,476 to Maes et al. ("Maes") in view of U.S. Patent Publication No. 2002/0087354 A1 to Martin et al. (hereinafter "Martin"). To establish a *prima facie* case of obviousness, an Examiner must show three things: (1) that there is some suggestion or motivation to modify a reference or combine reference teachings to arrive at the claimed invention, (2) that there must be a reasonable expectation of success, and (3) that the references teach or suggest each and every element of the claimed invention. (MPEP §2143.) The modification proposed by the Examiner cannot render the cited reference unsatisfactory for its intended purpose or change the principle of operation. (MPEP §2143.01.) Applicant respectfully traverses the rejection.

Maes appears to be directed to permitting users to specify financial transaction parameters for credit cards or other bank cards, transfer those financial parameters to a smartcard using a PDA, and use the smart card to make purchases consistent with the user-specified parameters for the enrolled cards rather than the bank cards themselves. In Maes, the user provides the service provider with the "transaction limitations" (col. 9, line 67) and can change the "transaction limitations" at any time by returning to the "client/server mode" of operation. Thus, in Maes, the user is in control of whether the user is permitted to perform the requested financial transaction and if permitted, what the financial transaction limitations are.

In the Office Action, the Examiner concedes that Maes fails to disclose checking a credentialing service for a professional license, professional license validity, and/or professional certification credential information associated with the identified user to determine whether the user is permitted to perform the requested health-related transaction, but cites Martin for teaching checking a credential service for professional license, professional license validity, and/or professional certification credential information associated with the identified user to determine whether the user is permitted to perform the requested health-related transaction. The Examiner

42P11777
Serial No. 09/967,211

- 7 -

Examiner: Greene, Daniel L.
Art Unit: 3621

then concludes that it would have been obvious to combine the authorization process of Maes with the checking a credential service for professional license, professional license validity, and/or professional certification credential information associated with the identified user to determine whether the user is permitted to perform the requested health-related transaction of Martin. Applicant respectfully disagrees.

As a first matter, Applicant respectfully disagrees with the Examiner's characterization of Martin. Martin appears to be directed to linking health professionals' credentialing information with a medical malpractice insurance application. Applicant respectfully submits that Martin does not teach checking the credentialing service to determine whether user is permitted to perform a requested health-related transaction. Martin is checking the credentialing service to generate a malpractice insurance policy. Accordingly, Applicant respectfully submits that Martin is not properly applied to the claimed invention.

As a second matter, assuming for the sake of argument that Martin is properly applied to the claimed invention, Applicant respectfully submits that the Examiner has improperly combined Martin with Maes because such a combination would render Martin unsatisfactory for its intended purpose. For example, in Maes the user can change the information stored at the central server 60 about himself or herself, simply by providing a PIN, for example. Combining Maes with Martin is tantamount to allowing a physician to change credentialing information stored at the credentials verification organization (CVO) in Martin about himself or herself simply by providing a PIN. This would defeat the purpose of the CVO, namely verification of credentials, if a physician were allowed to access and alter the credentialing information in any way. Accordingly, Applicant respectfully submits that the Examiner has not made out a *prima facie* case of obviousness with respect to claims 1-25 over Maes in view of Martin because under MPEP §2143.01 Maes is improperly combined with Martin.

Applicant respectfully submits that because the Examiner has not made out a *prima facie* case of obviousness with respect to claims 1-25 over Maes in view of Martin that claims 1-25 are patentable over Maes in view of Martin. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejections to claims 1-25.

42P11777

Serial No. 09/967,211

- 8 -

Examiner: Greene, Daniel L.

Art Unit: 3621

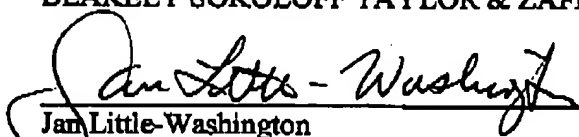
CONCLUSION

Applicant respectfully submits that all grounds for rejection have been properly traversed and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 3/25/2005


Jan Little-Washington
Reg. No. 41,181

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42P11777

Serial No. 09/967,211

- 9 -

Examiner: Greene, Daniel L.

Art Unit: 3621